

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AZUJHON KENNETH SIMS,

Plaintiff,

vs.

STEVEN D. GRIERSON,

Defendant.

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3:12-cv-00624-RCJ-WGC

ORDER

Plaintiff Azujhon Sims sued the clerk of a Nevada state court for an order mandating the clerk to file certain pleadings the clerk had refused to accept because they were in an improper format and signed by an incorrect party. The disputed pleadings indicated that Plaintiff was a representative of the Clark County Attorney and an Eighth Judicial District judge, and he had signed them their behalf. The clerk informed Plaintiff that he could resubmit the pleadings, but it would not accept pleadings signed on behalf of persons Plaintiff did not in reality represent.

The Court granted Plaintiff's Motion to Proceed In Forma Pauperis, ordered the Complaint filed, and dismissed it under 28 U.S.C. § 1915 for failure to state a claim, ruling that the allegations that the clerk was "actively engaging in and/or conspiring to deny information before a duly elected state judge" appeared factually frivolous. Plaintiff has asked the Court to relieve him from the judgment under Rule 60(b)(1). He argues that the Court improperly honored the discretion of the state court clerk, who was allegedly refusing to perform a purely ministerial task. The Court denies the motion. It is simply factually inconceivable that Plaintiff, a prisoner of the Nevada Department of Corrections, is the authorized representative of the Clark

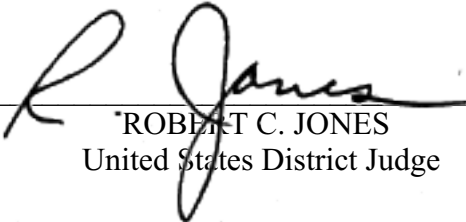
1 County Attorney or a state court judge. Moreover, in order to make out a claim for a violation of
2 the First Amendment right to petition the government for a redress of grievances—the right
3 possibly implicated here—Plaintiff must show that he has suffered the loss of a non-frivolous
4 civil claim by the defendant’s actions, and Plaintiff does not make such a showing. *See Lewis v.*
5 *Casey*, 518 U.S. 343, 346 (1996); *Alvarez v. Hill*, 518 F.3d 1152, 1155 n.1 (9th Cir. 2008).

6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the Motion for Relief from Judgment (ECF No. 6) is
8 DENIED.

9 IT IS SO ORDERED.

10 Dated this 6th day of March, 2013.

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13 *ROBERT C. JONES
14 United States District Judge
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